

**Williams Ready-Mix, Inc. and Northern California
General Teamsters Security Fund. Case 20-
CA-24913**

September 23, 1994

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN GOULD AND STEPHENS AND
DEVANEY

On March 26, 1993, the National Labor Relations Board issued a Decision and Order,¹ *inter alia*, ordering the Respondent, Williams Ready-Mix, Inc., to make whole its unit employees for their losses occurring as a result of its failure to make contractually required contributions to the Northern California General Teamsters Security Fund (the fund), in violation of the National Labor Relations Act. On October 19, 1993, the United States Court of Appeals for the Ninth Circuit entered a judgment enforcing in full the backpay provisions of the Board's Order.

A controversy having arisen over the amount of backpay due, on January 31, 1994, the Regional Director for Region 20 issued a compliance specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations.² Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated March 21, 1994, the Regional attorney advised the Respondent, that no answer to the compliance specification had been received and that unless an appropriate answer was filed by March 28, 1994, summary judgment would be sought. The Respondent filed no answer.

On August 18, 1994, the General Counsel filed with the Board a Motion for Summary Judgment on Compliance Specification and Notice of Hearing, with exhibits attached. On August 23, 1994, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be

granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the amount due the fund on behalf of the unit employees is as stated in the compliance specification and we will order payment of that amount by the Respondent, plus interest accrued on the amount to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, Williams Ready-Mix, Inc., Williams, California, its officers, agents, successors, and assigns, shall pay to the Northern California General Teamsters Security Fund the amount listed below, with interest:

Northern California	
General Teamsters	
Security Fund:	\$11,939.20

¹ 310 NLRB No. 138 (1993) (not reported in Board volumes).

² The name of one of the eligible employees listed in the appendix to the specification was subsequently corrected by erratum issued and served August 15, 1994.